



JSW

Docket No. 8733.950.00
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Ki Duk KIM

Customer No. 30827

Application No. 10/747,690

Confirmation No. 2902

Filed: December 30, 2003

Art Unit: 2629

For: METHOD AND APPARATUS FOR DRIVING
LIQUID CRYSTAL DISPLAY DEVICE

Examiner: Ricardo Osorio

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Dear Sir:

In response to the Species Election set forth in the Office Action mailed December 12, 2006 (Paper No. 20070107), Applicants hereby provisionally elect species 2 (FIGs. 6-8), claims 1-28 for continued examination with traverse.

In the Office Action, the Examiner has required election between species 1 (FIGs. 3-5) and species 2 (FIGs. 6-8). Applicants submit that the Examiner's requirement for election is improper because all of the claims in the application are either generic to the species identified by the Examiner or are drawn to the same one of the two species identified by the Examiner.

As a first matter, the Examiner identifies claims 1, 10, and 22 as generic with respect to their respective dependent claims. Applicants submit that at least claims 2 and 28 are additionally generic to the species identified by the Examiner.

Applicants direct the Examiner's attention to paragraph 37 C.F.R. § 1.146 which states the following:

In the first action on an application containing a generic claim to a generic invention (genus) and claims to more than one patentably distinct species embraced thereby, the examiner may require the applicant in the reply to that action to elect a species of his or her invention to which his or her claim will be restricted if no claim to the genus is found to be allowable.

While Applicants take no position regarding whether the species identified by the Examiner are patentably distinct, Applicants submit that as all of the claims in the application are either generic or belong to the same one of the two species identified by the Examiner, the application does not contain "a generic claim to a generic invention (genus) and claims to more than one patentably distinct species embraced thereby." Accordingly, a requirement for election of species is not proper under 37 CFR § 1.146, and Applicants respectfully request that the requirement for restriction be withdrawn.


An action on the merits of all the claims and a Notice of Allowance thereof are respectfully requested.

The Examiner is invited to call the undersigned at (202) 496-7500 to discuss steps necessary for placing the application in condition for allowance.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. § 1.136, and any additional fees required under 37 C.F.R. § 1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. *A duplicate copy of this sheet is enclosed.*

Respectfully submitted,

Dated: February 5, 2007

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